

REMARKS

This Amendment is being filed in response to the Final Office Action dated June 8, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-15 and 17-21 are pending in the Application. Claims 2, 4 and 6-15 and 17-21 are withdrawn. Claim 16 is canceled herein, without prejudice. The Applicants respectfully reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications.

In the Final Office Action, claims 1, 3 and 5 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 7,028,405 to Paas ("Paas"). Claims 1, 3 and 5 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,421,918 to Dato ("Dato") in view of U.S. Patent No. 6,502,318 to Gilder ("Gilder"). These rejections are respectfully traversed. It is respectfully submitted that claims 1, 3 and 5 are allowable over Paas and Dato in view of Gilder for at least the following reasons.

As is plain from Paas such as clearly shown by FIG. 2 of Paas, the razor cartridge 12 of Paas is connected to the body through a rail 17. Clearly the razor cartridge 12 is not connected to the body through a pivot axis such that the shaving head may pivot about the pivot axis relative to the base portion.

In a response to arguments section of the Final Office Action, it is "noted that the Applicant has not specifically claimed the coupling structure of the base portion with respect to the shaving head ..." While this position is directly refuted by the previous claim language which stated "the shaving head is pivotable relative to the base portion about a pivot axis wherein the base portion is pivotably coupled to the shaving head ..." Nonetheless, in the interest of advancing prosecution and allowance of the pending claims, the Applicants have elected to amend the claims to clarify that which is recited in the claims and the pivot axis wherein the base portion is pivotably coupled to the shaving head is more clearly recited.

Since Paas clearly shows a rail structure coupling the razor cartridge to the body, it is clear that Paas fails to teach, disclose or suggest the pivot axis of claim 1.

Dato shows a razor including a mechanism which vibrates the razor head at a supersonic and/or ultrasonic frequency (see, Dato, Col. 2, lines 15-18). "FIGS. 1-3 [of Dato show a] cavity 40 generally extends the length of razor handle 28 and is dimensioned to permit horn 16 to vibrate freely within cavity 40." (See, Dato, Col. 2, line 66 through Col. 3, line 1.) Dato further shows that a (emphasis added) "vibrating mechanism 18 can convert a supersonic and/or ultrasonic alternating-current emanating from power supply 26 into mechanical energy by causing horn 16 to vibrate at a supersonic and/or ultrasonic frequency. The horn frequency may be substantially equivalent to the a.c. frequency. Horn 16, in turn, causes razor head 14, blades 23a and 23b (See FIGS. 4-8), or one or more other skin engaging elements to vibrate ..." (See, Dato, Col. 3, lines 40-47.)

While the Final Office Action cites FIGS. 1-2 and Col. 3, lines 1-9 of Dato for showing "periodical motion of the cutting member 23a-23b is a periodical motion relative to the shaving head 14" (See, Final Office Action, page 4), clearly FIGS. 1-2 fail to show this feature since it is clear from a simple inspection of FIGS. 1-2 of Data that the vibrating horn is affixed to the razor head and as such, clearly the blades do not have a periodical motion relative to

the razor head since the blades merely vibrate as a result of the vibration of the razor head. In any event, in each of the embodiments of Dato it is clear that the vibrating horn is affixed to either the razor head or the blades. Clearly, Dato does not show a coupling member that translates a rotating motion of the actuator into a periodical reciprocating motion of the cutting member.

It is respectfully submitted that the device of claim 1 is not anticipated or made obvious by the teachings of Paas and Dato in view of Gilder. For example, Paas and Dato in view of Gilder does not disclose or suggest, an apparatus that amongst other patentable elements, comprises (illustrative emphasis added) "a pivot axis wherein the base portion is pivotably coupled to the shaving head such that the shaving head may pivot in a plane perpendicular to a length of the base portion about the pivot axis relative to the base portion but may not pivot in a plane parallel to the length of the base portion, wherein the length of the base portion extends further than a width of the base portion, and an actuator coupled to the cutting member through a coupling member that translates a rotating motion of the actuator into a periodical reciprocating motion of the cutting member for effecting the periodical reciprocating motion of the cutting member relative to the base portion, and wherein the

periodical reciprocating motion of the cutting member is also a periodical reciprocating motion of the cutting member relative to the shaving head" as recited in claim 1.

Gilder is cited for showing a pivotal connection between the handle and shaver head and although this clearly may not be compatably combined with the horn of Dato, even in combination, it does little to cure the above noted deficiencies of Dato.

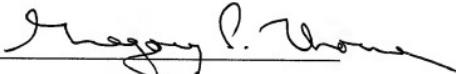
Based on the foregoing, the Applicants respectfully submit that independent claim 1 is patentable over Paas and Dato in view of Gilder and notice to this effect is earnestly solicited. Claims 3, 5 and withdrawn claims 2, 4 and 6-15 and 17-21 respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101